

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

Track Three Cases

**MDL 2804
Case No. 17-md-2804
Hon. Dan Aaron Polster**

**DEFENDANTS' MOTION TO EXCLUDE CERTAIN OPINIONS AND TESTIMONY OF
DR. KATHERINE KEYES**

Pursuant to Rules 402, 403, and 702 of the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), Defendants¹ move to exclude certain opinions and testimony of Dr. Katherine Keyes: (1) her marketing opinions and testimony as to Defendants; (2) her opinions and testimony that prescription opioids are “responsible” for harms from illicit synthetic opioids; and (3) her misleading, confusing, and unfairly prejudicial testimony regarding causation (e.g., overdoses from illicit synthetic opioids are “attributable” to prescription opioids). For the reasons stated in the accompanying Memorandum in Support, this Court should exclude these opinions and related testimony. In addition to the Memorandum in Support, Defendants submit a Proposed Order, and a Declaration with accompanying exhibits with this Motion.

¹ CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS Pharmacy, Inc., CVS TN Distribution, L.L.C., Ohio CVS Stores, L.L.C., Giant Eagle, HBC Service Company, Walmart Inc., Rite Aid Hdqtrs. Corp., Rite Aid of Ohio, Inc., Rite Aid of Maryland, Inc. d/b/a Right Aid Mid-Atlantic Customer Support Center, Eckerd Corp. d/b/a Rite Aid Liverpool Distribution Center, Walgreens Boots Alliance, Inc., Walgreen Co., and Walgreen Eastern Co., Inc.

Dated: July 23, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via email to all counsel of record on July 23, 2021.

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